

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 149: Town Of Springfield

Subchapter 1: Incorporation; General Law; Miscellaneous Provisions

§ 1. Incorporation

The inhabitants of the Town of Springfield shall continue to be a body politic and corporate under the name of “Town of Springfield” and as such shall enjoy all rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this charter.

§ 2. Application of general law; proposed charter

(a) Purpose. This document is drafted to update and replace the existing charter.

(b) Application of general laws.

(1) Except when modified by the provisions of this charter, or by any regulation or ordinance of the Town, all statutes of the State of Vermont relating to municipalities shall apply to the Town of Springfield.

(2) In the event of any conflict or contradiction, either direct or implied, between the powers conferred in this charter and State statute, this charter shall prevail. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 3. Powers of the Town

(a) The Town shall have all the powers and functions conferred upon municipalities by the Constitution and general laws of the State, all implied powers necessary to implement those powers and functions, and any additional powers conferred by this charter that are consistent with the Constitution. All powers and functions conferred or implied by the charter shall be in addition to the powers and functions conferred upon the Town by laws now in force or later enacted.

(b) Without limiting any of the express or implied powers granted by this charter, the Town shall have the following additional specific authorities:

(1) To adopt and enforce ordinances relating to the cleaning and repair of any premises when in a condition that:

(A) impairs the general appearance of the Town;

(B) may physically injure other property in the vicinity; or

(C) is a health hazard.

(2) To control the removal of rubbish, waste, and objectionable material of any premises subject to subdivision (1) of this subsection.

(3) Not less than 30 days before any action taken under this subsection, the Town shall provide to the property owner and any recorded lienholders a notice of the Town's intent to issue civil penalties; clean or repair the premises; or remove rubbish, waste, or objectionable material. The Town shall provide to the property owner and any recorded lienholders reasonable opportunity and information to appeal the proposed action or to clean or repair the premises before the Town takes any final action.

(c) Nothing in this charter shall be construed as a limitation of the powers and functions incident to public and municipal corporations. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 4. Intergovernmental relations

The Town may exercise any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any other towns, cities, and school systems, or one or more states or civil division or agencies thereof, or the United States or any agency thereof.

§ 5. Ordinances

(a) Town legislation. Town legislation shall be by ordinance. Ordinances and rules adopted pursuant to ordinances shall have the full force of law embodied in this charter.

(b) Legislative body.

(1) The Selectboard shall constitute the legislative body of the Town with the power, between Town meetings, to adopt, amend, repeal, or enforce ordinances.

(2) Town meetings, annual or special, as constituted in this section, in addition to their other functions, shall also serve as a legislative body and may adopt, amend, or repeal an ordinance.

(A) Ordinances to be so considered by Town meeting can only be placed on the warning in such manner as authorized by this charter.

(B) The entire text or an explanation of the nature and purpose of ordinances subject to Town meeting action must be posted on the Town's website and published in a newspaper or newspapers of general circulation as may be directed or designated by the Selectboard, at least 30 days before the meeting.

(C) Any ordinance to be considered by Town meeting shall be reviewed by the Town Attorney or other counsel engaged by the Selectboard prior to the official warning. The Attorney shall be charged with the duty to correct the ordinance to avoid repetition,

illegal, or unconstitutional provisions, and to ensure accuracy in the text and reference, along with clear and precise phraseology. The ordinance shall not be changed in its meaning and effect.

(D) The effect of Town meeting action on an ordinance shall take place upon passage unless otherwise provided in the body of the ordinance.

(E) [Repealed.]

(F) Ordinances passed by Town meeting may not alter or limit any provision of this charter.

(G) Any ordinance to be passed by either Town meeting or the Selectboard must be set forth in a uniform format as follows:

(i) Ordinances shall be numbered consecutively.

(ii) If the action is an amendment, it shall be referenced and incorporated into the amended ordinance.

(iii) Ordinances shall be short titled and contain a statement of purpose.

(iv) Outline format shall match that used in the existing codification.

(c) Ordinance adoption procedure, other than zoning and subdivision bylaws.

(1) The Selectboard shall designate the category into which action an ordinance shall fall.

(2) There shall be five categories of action as follows:

(A) new legislation adoption or rejection;

(B) repeal in total of existing legislation;

(C) major amendment—changing the nature and substance of the original ordinance;

(D) minor amendment—minor adjustment in meaning, procedure, or definition;

(E) emergency ordinance as defined herein in subsection (f) of this section;

(F) changes in the Town's zoning and subdivision bylaws.

(d) Procedure for drafting, adoption, rejection, major amendment, or repeal of ordinances.

(1) Drafting. (A) The Selectboard may appoint an ordinance committee including not more than two Selectboard members.

(B) If the Selectboard appoints an ordinance committee, ordinances of all categories, with the exception of emergency ordinances, shall be drafted by or submitted in draft form to the ordinance committee.

(2) Reporting out.

(A) If the Selectboard appoints an ordinance committee, the ordinance committee shall review any ordinance submitted to them by the Selectboard and report out to the Selectboard for first review within 90 days following submission.

(B) Ordinances reported out for first review must be reviewed beforehand by the Town Attorney or other counsel engaged by the Selectboard and signed by the Town Attorney or other counsel.

(C) Copies of ordinances providing for criminal offenses should be transmitted to the State's Attorney for review.

(3) Introduction and first review.

(A) The proposed ordinance amendment or repeal shall be introduced at a Selectboard meeting by the ordinance committee.

(B) During first review, the proposed ordinance amendment or repeal may be amended.

(C) The proposed ordinance, including any amendments, must be accepted or rejected at the completion of first review.

(D) Upon completion of first review, a date for second review and public hearing shall be fixed within not less than 14 nor more than 40 days from first review.

(4) Second review and public hearing.

(A) Notice of the date of second review must be published no later than seven days before the date of second review itself.

(B) The notice shall contain either the text of the ordinance or an explanation of the nature and purpose of the ordinance along with information as to where a citizen may obtain a copy of the full ordinance text.

(C) A public hearing shall be held at the time and place specified in the notice.

(5) Amendment during second review. Should the Selectboard decide after the public hearing to substantively amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in not less than 14 nor more than 40 days and all notice requirements to be met in subdivision (4) of this subsection.

(6) Final action.

(A) Upon completion of the second review, the Selectboard shall act to adopt or reject the ordinance.

(B) Failure to act within 40 days following the final review shall constitute a rejection.

(7) Repeal. The repeal of any existing ordinance shall follow the procedure prescribed herein for passage of an ordinance.

(e) Minor amendments. Any proposed change to an existing ordinance that is classified by Selectboard vote to constitute a minor amendment may be adopted by the Selectboard after the completion of the first review.

(f) Emergency ordinances.

(1) Following a declaration of public emergency pursuant to section 10 of this charter, the Selectboard may adopt one or more emergency ordinances.

(2) Emergency ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money.

(3) An emergency ordinance shall be exempt from the adoption procedures required for ordinances generally. However, it must be submitted in writing at a public meeting of the Selectboard in a form consistent with other ordinances.

(4) An emergency ordinance must be clearly titled as such, and contain a clear declaration of the emergency, describing it in specific terms.

(5) An emergency ordinance may be adopted, amended, or repealed upon a two-thirds vote, with at least three affirmative votes.

(6) Emergency ordinances shall be effective upon adoption unless the ordinance specifies otherwise.

(7) Any emergency ordinance shall automatically stand repealed on the 61st day following its effective date.

(8) In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the Selectboard, the ordinance must be ratified in a manner similar to other ordinances; this shall not prevent reenactment of the ordinance if the Selectboard determines that the emergency still exists.

(9) An emergency ordinance may also be repealed in the manner specified in this section for emergency ordinance.

(g) [Repealed.]

(h) Standard codes of technical regulations.

(1) The Selectboard may adopt any standard code of technical regulations by reference in an ordinance.

(2) The procedure and requirements governing the adoption of an ordinance concerning standard codes of technical regulations shall be the same as prescribed for ordinances generally except that the requirements for distribution and filing of copies of the ordinance shall include the ordinance itself, and shall only include a citation to the technical regulations.

(i) Authentication and recording, codification, and publication.

(1) Authentication and recording. The Town Clerk shall authenticate, by signature and recording, in full, all ordinances and resolutions adopted by the Selectboard.

(2) Publication of ordinances and resolutions.

(A) The Selectboard shall cause each ordinance and resolution to be published.

(B) Ordinances, resolutions, charters, and charter amendments shall be published electronically and made available in printed form for sale to the public at reasonable prices set by the Selectboard.

(C) All ordinances, codes, resolutions, and charter amendments should follow a uniform format or style.

(3) Codification.

(A) At least every 10 years, the Selectboard shall provide for the uniform codification of all ordinances, zoning bylaws, subdivision bylaws, and resolutions.

(B) When completed, the updated codification shall be published in a form convenient for general use and shall be incorporated into the Town code.

(j) Penalties.

(1) The Selectboard may provide for and authorize within an ordinance penalties for the breach of any ordinance that the general law or this charter authorized.

(2) The Town may take actions necessary to prosecute any person who violates ordinances passed under this charter. The prosecution may be through the courts.

(3) The Town may also bring an action for injunctive relief seeking a court order to require compliance with any ordinance in addition to the penalty set forth in the ordinance. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 7. Potential or actual conflict of interest; personal financial interest

The Selectboard shall adopt and maintain a conflict of interest policy. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 8. Licenses; fees; charges; user fees; fees for service

(a) The Selectboard shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to Town government, except those prescribed by State statute relating to the Office of the Town Clerk or otherwise provided for in this charter.

(b)-(d) [Repealed.]

(e) No officer of the Town shall collect fees or monetary prerequisites for the Town officer's own use, and all fees or charges shall be accrued to Town funds. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 9. Acquisition and disposition of town property

(a) The Selectboard shall pass a policy governing the acquisition or disposition of Town property, which shall outline procedures for the handling of these matters.

(b) The Selectboard may acquire or dispose of real property in accordance with policy. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 10. Emergency powers

(a) Declaration of public emergency. The Selectboard may, upon a two-thirds vote with at least three members present, declare a state of public emergency that threatens life, property, or the public health or welfare.

(b) Condemnation; eminent domain. In the event of a declared public emergency that threatens life, property, the public health or welfare, duly declared by Selectboard meeting warned in accordance with State statute, the Selectboard, by a minimum of three affirmative votes and not more than one dissenting vote, may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to Superior Court.

(c) Civil preparedness. The Town Manager shall be the designated civil preparedness Chair and shall be duty bound to exercise the powers afforded by statute and any powers and functions outlined by the Selectboard in a declared emergency. On an annual basis, the Selectboard shall adopt an emergency preparedness plan that shall go into effect upon declaration of a public emergency. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 11. Procedures for charter revision and amendment

(a) The procedures and process for charter amendment in subsection (b) of this section may be initiated either by a vote of four members of the Selectboard or by a citizen initiative (petition) of at least five percent of the voters registered at the time that the petition is submitted.

(b) The procedure for charter amendment shall be as follows:

(1) The Selectboard shall appoint a Charter Review Committee of not less than 11 members, which shall include two representatives from the Selectboard and two representatives from the administration, one of which must be the Town Clerk, with the majority from the community at large.

(2) Within one year after appointment, the Charter Review Committee shall report out any amendments, revisions, or changes.

(3) The Selectboard shall determine if the proposed amendments are a comprehensive revision and shall determine the format of the article. All provisions of 17 V.S.A. § 2645 that are not in conflict with this charter shall be adhered to.

(4) Any changes in the charter must be effected by a Town meeting vote.

(c) In addition to the procedure set forth above in subsections (a) and (b) of this section, the charter may be revised or amended by the submission of a citizen initiative (petition) specifying the amendments or revisions desired and signed by 10 percent of the registered voters. The petition and subsequent action shall conform to the requirements of State statutes relating to charter amendment procedures and shall be approved by an annual Town meeting vote with at least 15 percent of voters participating. If a proposed amendment or revision under this subsection is voted down at the annual Town meeting, it or a substantially similar amendment may not be petitioned again for a period of one year.

(d) Any changes in the Town charter shall become effective immediately upon passage by the registered voters and approval by the General Assembly as prescribed by statute.

(e) A comprehensive revision of this charter, as determined by the Selectboard, may be voted only once in three years. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 12. [Transitional procedures]

§ 13. Use of streets by public utilities and private interests

Every non-Springfield municipal public utility or private interest that desires to excavate in a public right-of-way shall first obtain from the Selectboard Town Manager or designee a written permit stating the place where and the time when excavation and repair may be done. Upon receipt of a permit, the excavation and repair shall be done under the supervision of the Town Manager or designee. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 14. Severability

The sections of this charter and the parts thereof are severable. If any portion of this charter, or application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

Subchapter 2: Elections And Local Officials

§ 21. Governmental authority

All governmental authority of the Town rests ultimately with the citizens and registered voters of the Town, who shall exercise their power by Australian ballot at the annual Town meeting in determining:

- (1) the election of officers of the Town;
- (2) the approval of the Town budgets;
- (3) all authorizations for major bonding or borrowing;
- (4) all special appropriations;

(5) any articles placed on the warning that involve the expenditure of tax dollars or directing the power vested in elected or appointed officials;

(6) adoption, amendment, or repeal of ordinances provided by petition per section 5 of this charter; and

(7) charter amendments. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 22. Town meeting; elections

(a) [Repealed.]

(b) Meetings and Elections.

(1) Annual Town meeting.

(A) On the Monday preceding the first Tuesday in March, beginning at 7:00 p.m. at a place designated by the Selectboard, the Town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot questions and all other issues appearing on the warning, other than the election of candidates, shall be permitted.

(B) A meeting so started shall be adjourned until the following day, the first Tuesday in March, at which time business involving Australian ballot will be transacted.

(C) The date of the annual Town meeting may be changed by a vote of the citizens at an annual or a special Town meeting duly warned for that purpose.

(2) Special Town meetings.

(A) Special Town meetings may be called at any time for reasons as prescribed by charter, by a majority vote of the Selectboard, or by the decree of the Town Clerk upon receipt of a petition signed by no less than five percent of the voters registered at the time the petition is submitted.

(B) A special Town meeting, called in accordance with subdivision (2)(A) of this subsection, shall be held within 60 days from the date of the official call to meeting.

(3) Warnings.

(A) Timetable and notice. Public notice of every annual or special Town meeting, or Town election, shall be given by a warning posted in not less than four public places in the Town and on the Town's website, not less than 30, nor more than 40 days prior to the meeting, and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the Selectboard.

(B) Contents. The warning shall contain:

(i) the date, time, and location of the meeting;

(ii) separate articles specifically indicating the business to be transacted in the language to be voted upon;

(iii) the signatures of a majority of the Selectboard.

(C) Placing of articles on a warning for the annual Town meeting.

(i) Articles may be placed on the warning by:

(I) a majority vote of the Selectboard;

(II) a petition of at least five percent of the voters registered at the time the petition is submitted.

(ii) Articles submitted by petition must be filed pursuant to State statute as to form and process.

(4) Power of Selectboard on Australian ballot decree.

(A) The Selectboard may cause any question to be voted by Australian ballot at any annual or special Town meeting called on their action, or by petition, provided that the warning for such meeting specifies the question to be voted.

(B) All articles to be voted by Australian ballot shall be preceded by a public informational hearing. The warning of the vote shall include the notice of the public informational hearing and set forth the time and place of the public informational hearing.

(5) Presiding officials at Town meeting and elections.

(A) The Moderator shall preside at all Town meetings. In the Moderator's absence, the Town Clerk shall call the meeting to order and the first order of business shall be the election of a Moderator Pro Tempore to preside for the duration of the meeting.

(B) Town meetings shall be conducted in accordance with State law, this charter, and Robert's Rules of Order, Revised.

(C) It shall be the duty of the Moderator to take such actions deemed necessary to preserve order in the conduct of business and to preserve the principles of free speech, openness, and fairness in government.

(D) The Town Clerk shall be the presiding official at all Australian ballot elections and, in cooperation with the Board of Civil Authority, shall assure that all laws related to elections are faithfully observed.

(E) While the polls are open, the Town Clerk shall rule on all questions covering the conduct of Australian ballot elections, except the resolution of questions concerning the checklist that shall be made by the majority of the Board of Civil Authority members present.

(F) In the absence of the Town Clerk, should it occur before an election, the Board of Civil Authority shall, upon notice, immediately meet and designate an Acting Clerk for the duration of the election. Should the absence occur on election day, the Board of Civil Authority members present at the election shall designate an Acting Clerk to preside for the duration of the election.

(6) Postponing or continuing of Town meetings.

(A) The Selectboard may postpone a special Town meeting vote to the annual Town meeting if the date of the special Town meeting will fall within 75 days of the annual Town meeting.

(B) If a special Town meeting called by petition falls within 45 days of a subsequent special or annual Town meeting called by petition, the Selectboard may warn the questions to be voted at such Town meeting for the later Town meeting and may by resolution rescind the call of the earlier meeting.

(7) Citizen initiatives; revote; rescission of articles other than election of officers.

(A) Any question voted at an annual or special Town meeting, except the adoption, amendment, or repeal of ordinances or of the charter and the recall of elected officials, may be submitted for revote or rescission at a subsequent annual or special Town meeting, subject to the limits contained herein.

(B) Requests for revote or rescission must be by resolution of at least four members of the Selectboard or by a petition filed with the Town Clerk and signed by at least five percent of the voters registered on the date of the action.

(C) Any request for revote or rescission must be taken or filed within 30 days following the date the question was first considered.

(D) The Town Clerk shall warn a special Town meeting to be held within 60 days of the date following the request for revote or rescission.

(E) The Town budget shall be subject to a revote only if voted in the negative.

(F) The phrasing and presentation of a revote on any question shall be identical to that used on initial consideration.

(G) Any question voted on or considered shall be subject to revote or rescission only once in the 12 months following the initial vote, except for the Town budget, which shall be voted until passed, and except for charter amendments by citizen initiative that are governed by subsection 11(c) of this charter.

(H) A vote of a proposed amendment or revision of this charter by citizen initiative that is substantially similar in substance to a previous proposed amendment by citizen initiative may occur only once in one year.

(8) Tie votes.

(A) A tie vote, other than for an elected office, at any Town meeting shall require an immediate recount; if the tie vote is affirmed, then the articles must be revoted at a special Town meeting within 60 days.

(B) Recounts other than tie votes may be requested in accordance with State statute.

(9) Nonproductive elections. In the event that a legal election fails to produce a person to fill any elected Town office, the Selectboard shall, within 30 days following the election, appoint a registered voter to serve in the position until the next annual Town meeting at which an election will occur for the term of office or remaining balance of the unexpired term, whichever is applicable.

(10) Board of Civil Authority.

(A) The Board of Civil Authority shall consist of the justices of the peace residing within the Town who shall be elected in accordance with State statute, the Town Clerk, and the Selectboard.

(B) At the first meeting following the first day of February of odd numbered years, the Board of Civil Authority shall elect a Chair and a Vice Chair from among its members.

(C) The Town Clerk shall be the Clerk of the Board of Civil Authority.

(D) The Board shall perform all duties as required by this charter and all duties as required by statute to the extent that they are not in conflict with this charter. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 23. Local elected officials

(a) Local elective offices to be filled by the registered voters of the Town shall be only those articulated by this charter and shall include:

(1) Selectboard;

(2) [Repealed.]

(3) Moderator;

(4) Library Trustees;

(5) Cemetery Commissioners;

(6) [Repealed.]

(7) trustees of public funds.

(b) Provisions related generally to all elected local offices.

(1) Term.

(A) Terms for elective offices shall begin officially when the Town Clerk and Board of Civil Authority certify election returns as final.

(B) In the event of a recount, or unresolved irregularities in election returns, should action be required, it shall be taken by the officials sitting at the time of the election.

(2) Oath of office.

(A) An elected official shall take the oath of office prescribed by statute, if applicable, prior to taking any official action.

(B) A signed copy of the oath must be filed with the Town Clerk within one week from its execution.

(3) Compensation.

(A) The manner of compensation for the Selectboard members and the Moderator shall be fixed by the voters and, for all other elective offices, by the Selectboard.

(B) Expenses, actual and necessary to the performance of the duties of office, may be paid, provided they are submitted through the administration for processing and payment, except as may be provided by the voters.

(4) Recall of elected officials.

(A) Any elected official may be removed from office as follows: A petition signed by not less than 15 percent of the registered voters shall be filed with the Selectboard, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than 30 days prior to the filing of the petition. The Selectboard shall call a special Town meeting, to be held within 45 days of receiving the petition, to vote on whether the elected officer shall be removed. The official shall be removed only if at least as many registered voters of the Town vote as voted in the election wherein the officer was elected or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of the number of votes is cast for removal.

(B) If the Town votes for removal of an elected officer, the office shall thereupon become vacant, and the Selectboard shall call a special meeting, to be held within 45 days following the vote for removal, to fill the vacancy for the remainder of the unexpired term. The office shall remain vacant until the next annual Town meeting if the special Town meeting would fall within 75 calendar days prior to the annual Town meeting.

(5) Attendance. All elected officials are expected to attend all meetings of the public bodies of which they are members.

(6) Holding of more than one office.

(A) Elective offices. Nothing in this section shall be interpreted as limiting any person from holding a State or federal elective office at the same time that person holds local office, provided the service does not interfere or conflict with the proper attendance at meetings and execution of the duties of the office.

(B) Local appointed boards and commissions. Elected officials shall not be prevented from serving on local appointed boards and commissions, provided said service does not conflict or interfere with the proper execution of the elective office.

(7) Qualification to run for or hold local office.

(A) No person shall be qualified to run for or be elected to hold an elective office unless the person is a registered voter in the Town.

(B) Should an elected holder of local office establish residence in some place other than the Town, the office shall be declared immediately vacant by the Selectboard and said vacancy shall be filled in accordance with the provisions of this charter.

(C) The requirements above dictate that a candidate or officeholder must actually dwell in the Town, and not merely maintain a residence therein.

(8) Vacancy of elected office.

(A) In addition to the requirement of subdivision (7) of this subsection (b), a vacancy shall be deemed to exist in any local office where an officer dies, resigns, is removed or recalled from office, is convicted of a felony, is convicted of a misdemeanor involving a breach of public trust, is judicially declared to be mentally incompetent, or no longer resides in the Town.

(B) The declaration of vacancy shall be made by a majority vote of the Selectboard or, in the case of a Selectboard member, by the other members of the Selectboard.

(c) Elected officers, duties, responsibilities, and conduct.

(1) Selectboard.

(A) Number and term. Unless altered by the procedures provided herein, the policy-making body for the Town shall be a five-member Selectboard, elected at large, on a nonpartisan basis, to staggered three-year terms.

(B) Powers and duties. The Selectboard shall discharge all duties conferred, imposed, or implied by statute or prescribed by this charter for selectboards, except as herein limited, or specifically transferred to the Town Manager. Further, unless stated in this charter, the powers and duties of any elected or appointed office not created by this charter shall be conferred on the Selectboard. All committees of the Board, and all citizen boards and commissions, shall be advisory in nature unless a specific legal or policy-making function is otherwise provided by State law or ordinance as limited by this charter. In this charter, the failure to mention a particular power shall not serve to exclude it or be restrictive of the scope of powers that the Selectboard would otherwise have.

(C) Organization of the Selectboard, Chair, Vice Chair.

(i) The Selectboard shall have a Chair who shall be elected annually by a majority vote of the five members.

(ii) The Board shall, in a similar manner, choose a Vice Chair to serve in the absence or disability of the Chair.

(D) Duties of the Chair.

(i) The Chair shall be the official head of the Town for all ceremonial purposes.

(ii) The Chair shall preside at all meetings of the Selectboard and may participate in all proceedings as a regular member.

(iii) All duties of an administrative nature, except as otherwise provided by this charter, shall be exercised by the Town Manager as provided herein.

(E) Meetings. All meetings shall be conducted in accordance with Vermont's Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

(i) Organizational meeting.

(I) Within seven days after the annual Town meeting, the Selectboard shall meet for the purpose of taking the oath of office, organizing, electing a chair and vice chair, and adopting rules for the transaction of business.

(II) The Town Clerk or designee shall preside at the organizational meeting of the Selectboard prior to the election of the Board Chair.

(III) The Board may transact any other business required at that meeting.

(ii) Regular meetings.

(I) The Board shall hold regular meetings at a regular time, twice a month, with allowances for one monthly meeting during the months of June, July, and August.

(II) [Repealed.]

(iii) Agenda.

(I) [Repealed.]

(II) Any Selectboard member, citizen in attendance, or the Manager may request at the start of the meeting that items be added to the agenda. Items may be added to the agenda subject to Selectboard approval.

(iv) Quorums; votes.

(I) Three members shall constitute a quorum for any Board meeting except as provided otherwise by this charter.

(II) All voting shall be by individual roll call vote.

(III) No action of the Board shall be valid or binding unless acted upon by a majority of the members present unless otherwise provided for by this charter.

(v) Minutes.

(I) The Town Clerk or the Selectboard's designee shall be the official Clerk of the Selectboard and shall be responsible for minutes in a form prescribed by Vermont's Open Meeting Law.

(II) [Repealed.]

(vi) Special meetings and workshops. Special meetings may be called at any time by the Chair, or the Vice Chair in the absence of the Chair, or by written request, signed by three Board members.

(vii) Executive session. The Selectboard may hold an executive session to discuss any action in accordance with the provisions of Vermont's Open Meeting Law.

(viii) [Repealed.]

(ix) Vacancies. A vacancy on the Selectboard shall may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

(2) [Repealed.]

(3) Moderator.

(A) There shall be a Moderator elected on a nonpartisan basis for a one-year term, who shall perform all duties prescribed by this charter and State law.

(B) Should a vacancy occur in the office of Moderator, it shall may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

(4) Library Trustees

(A) The Library Board of Trustees shall consist of seven members to be elected at large.

(B) Library Trustees shall serve staggered terms of three years.

(C) Should a vacancy occur in the Office of Library Trustee, it may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

(5) Cemetery Commissioners.

(A) There shall be elected five Cemetery Commissioners each to serve staggered five-year terms.

(B) The Town Clerk shall be a nonvoting ex-officio member of the Cemetery Commission.

(C) The Cemetery Commission shall advise the Selectboard regarding the condition, operation, and maintenance of cemeteries but shall in no way supervise administration of cemetery personnel.

(D) The Town Clerk shall, under the direction of the Cemetery Commissioners, ensure that cemetery lots are properly laid out and that sale of lots is properly conducted.

(E) The Cemetery Commissioners shall issue and update regulations regarding cemetery use, interment, and burial fees.

(F) Should a vacancy occur in the office of Cemetery Commissioner, it may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill the unexpired term.

(6) Trustees of public funds. Public funds are funds received from private outside sources for specific long-term purposes and are maintained separately from the general operating fund. The Town has a fiduciary responsibility to maintain these funds in accordance with any restrictions placed on the funds at the time the funds were received.

(A) There shall be elected three trustees of public funds, each to serve staggered three-year terms.

(B) [Repealed.]

(C) The trustees shall perform all duties as provided for by statute as limited or defined by charter.

(D) The trustees shall be charged with maximizing the return on all invested funds while maintaining their security, which shall include the preservation of principal. In service of this goal, they shall file with the Selectboard an annual plan outlining the program of investments for the year.

(E) All funds entrusted to the trustees shall be audited yearly as part of the Town's annual audit.

(F) Should a vacancy occur in the office of trustee of public funds, it may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill the unexpired term. (Amended 2019, No. 84 (Adj. Sess.), § 9; 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 24. Appointed nonadministrative officials

(a) General provisions applying to all appointed positions.

(1) The appointed positions herein shall all be appointed by a majority vote of the Selectboard.

(2) Terms of appointment shall begin immediately upon Selectboard action and run for a period as specified herein.

(3) All appointees shall be administered the oath of office in the form as provided for by statute, if applicable.

(4) Appointees may be afforded compensation or reimbursement for expenses as determined by the Selectboard.

(5) [Repealed.]

(6) To the highest degree possible, the Selectboard shall strive for a balance of opinion on all appointive positions, boards, and commissions.

(7) Although operating independently, all appointive boards and commissions shall be required to cooperate with the Selectboard in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the Town report, and also to file any other reports requested by the Selectboard, and attend any meeting so requested by the Selectboard.

(8) If an appointed official misses three consecutive regularly scheduled meetings of the appointed body, the chair of that board or commission shall report to the Selectboard, who may then declare that position vacant.

(9) Elected officials shall serve in appointed positions, boards, and commissions if the specific membership of the board or commission calls for their service, subject to the limits outlined herein.

(10) Town employees may serve in appointive positions as limited by charter but may not vote on any issue directly affecting their position or conditions of employment.

(b) Appointed positions.

(1) The functions of the following positions are governed by the applicable State statute, as limited by charter or ordinance:

(A) [Repealed.]

(B) [Repealed.]

(C) Tree Warden;

(D) [Repealed.]

(E) Pound Keeper;

(F) Town Clerk;

(G) Town Attorney;

(H) Town Treasurer;

(I) [Repealed.]

(J) Delinquent Tax Collector.

(K) Town Constable.

(i) The Selectboard shall appoint the Town Constable, who shall serve a one-year term.

(ii) The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.

(iii) The Constable shall be in attendance at all Town meetings and shall serve as sergeant at arms to assist the moderator as necessary in the maintenance of order.

(iv) The Selectboard may assign additional responsibilities to the Constable as necessary or convenient.

(v) A vacancy in the Office of the Constable shall be filled by a majority vote of the Selectboard.

(c) Appointed boards and commissions established by charter.

(1) Planning Commission.

(A) The Selectboard shall appoint the members of the Planning Commission in accordance with State statute. All members shall be registered voters of the Town.

(B) [Repealed.]

(2) Development Review Board.

(A) The Selectboard shall appoint the members of the Development Review Board in accordance with State statute. All members shall be registered voters of the Town.

(B) [Repealed.]

(3) Housing Authority.

(A) The Selectboard shall appoint members of the Housing Authority established pursuant to 24 V.S.A. chapter 113.

(B) [Repealed.]

(C) The Housing Authority shall also advise the Selectboard on housing issues generally when so requested.

(4) Airport Commission.

(A) Provided that there is a regional, State-owned airport in the Town, the Selectboard shall appoint an Airport Commission, the number of members to be decided by the Selectboard.

(B) The purpose of the Airport Commission shall be to advise the Selectboard on airport-related matters.

(C) The Airport Commission shall serve as the Airport Advisory Committee as prescribed by State statute.

(d) Boards, commissions, committees created by Selectboard action.

(1) The Selectboard may, at any time, in response to a perceived need, create, by ordinance or resolution, a board, commission, or committee.

(2) In doing so, the action must clearly state the reason for the creation of the body.

(3) Any body created under this subsection shall not have an effective life of more than three years. At the end of that period, the mandate creating the committee shall terminate and the Selectboard shall be required to review the reason for the body's existence and may act to reconstitute the body. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May

16, 2022.)

Subchapter 3: The Administrative Service

§ 31. The Town Manager

(a) Appointment. The Selectboard shall appoint, with no fewer than four (4) affirmative votes, a Town Manager.

(b) Qualifications. The Town Manager shall be appointed solely on the basis of the person's executive and administrative skills, based on education, training, and experience relative to the duties of the Town Manager, and without reference to political belief or personal relationships.

(c) Term of appointment. The Manager may be appointed for a term of not less than two years and not more than five years and may be removed at the pleasure of the Selectboard.

(d) Residency. The person appointed as Town Manager must become a resident of Vermont within six months of appointment and may be required to become a resident of the Town within a period of time judged reasonable by the Selectboard at the time of appointment.

(e) Terms and conditions of employment; compensation. The conditions of employment and compensation shall be a matter to be determined at the time of appointment, and annually thereafter by the Selectboard on a date convenient for the annual budgeting process, after negotiations that may be held in executive session between the Town Manager (candidate) and the Selectboard.

(f) Town Manager; evaluation. Before the Selectboard determines the subsequent annual compensation of the Manager, the Board and Town Manager shall be required to hold an evaluation session in executive session, at which the Town Manager shall present management goals for the coming year based on townwide goals articulated by the Selectboard, and shall be evaluated by the Selectboard regarding performance in relation to such goals set out for the previous year, and the Selectboard may also employ commonly used evaluation practices in the town management profession.

(g) Oath and bond. Before entering into the duties of office, the Town Manager shall be sworn to the impartial and faithful performance thereof, with a certificate to that effect to be filed with the Town Clerk. The Town Manager shall execute a bond in favor of the Town for the faithful performance of the Town Manager's duties in a sum determined by the Selectboard or shall purchase comparable insurance coverage. The premium for said surety shall be paid by the Town.

(h) Town Manager nonrenewal or removal. The Town Manager's term of employment may be not renewed without explanation or reason. The Town Manager may be removed for cause by the Selectboard, with written reasons presented to the Town Manager and an opportunity for a public hearing before the Selectboard with not less than four affirmative votes, after the following procedure is followed:

(1) The Selectboard shall draft, in executive session, a resolution stating its intent to remove the Town Manager. The resolution must state the reasons for removal and must be served upon the Town Manager personally, not more than five days from the date of drafting.

(2) Action by the Selectboard in the removal of a Town Manager shall be final.

(i) Acting Town Manager; vacancy in the office.

(1) In the event that the Town Manager shall be absent from the Town for a period exceeding two consecutive weeks, the Town Manager shall designate an acting Town Manager, subject to the advice and consent of the Selectboard, who shall exercise the duties of Town Manager.

(2) In the event that illness or injury renders a Town Manager unable to discharge the Town Manager's duties for a period exceeding two consecutive weeks, or in the event that the Town Manager is suspended or placed on administrative leave, the Selectboard shall declare a vacancy in the office and appoint an acting Town Manager to serve until such time as the Town Manager is able to assume regular duties or a new Town Manager is appointed.

(3) An acting Town Manager appointed to fill a declared vacancy in the office shall have all the powers and perform all the duties of the Town Manager and shall be compensated at a rate as determined by the Selectboard. An acting Town Manager shall not serve for more than 180 calendar days unless the Selectboard determines there are extenuating circumstances that warrant an extension of that time period.

(4) In no case shall a Selectboard member act as Town Manager.

(j) Responsibilities and authority of the Town Manager.

(1) In general. The Town Manager shall be the chief administrative officer of the Town. The Town Manager shall be accountable to the Selectboard for the administration and general supervision of all business affairs and property placed in the Town Manager's charge pursuant to this charter, State statute, or otherwise.

(2) Limits to authority in general.

(A) In addition to the limits on authority enumerated in State statutes, authority of the Town Manager shall in no way extend to:

(i) the calling or administration of elections;

(ii) the assessment of taxes or property valuation judgments;

(iii) judicial or legislative functions of the Selectboard or other Town public bodies;

(iv) direct supervision of the Town Clerk or Town Treasurer in statutory duties except as otherwise provided by this charter.

(B) The Town Manager may, upon request, advise or counsel officials in the performance of the duties in subdivision (A) of this subdivision (2).

(C) The Town Manager may not serve in any elective position in the Town. The Town Manager may, however, serve on appointed public bodies relevant to Town functions in an ex officio status, as may be determined by the Selectboard.

(3) Authority and duties in particular. In addition to the authority conferred by State statute, the Town Manager shall be charged with full authority to, and be responsible, for the following:

(A) [Repealed.]

(B) To direct and supervise the administration of all departments, offices, and agencies of the Town except as otherwise provided by the charter or statute.

(C) To carry out the policies determined by the Selectboard and report to the Board on their disposition.

(D) To institute and maintain appropriate budget and financial internal control systems.

(E) To keep the Selectboard informed on the financial condition of the Town, including monthly and year end reports showing in detail all revenues and expenditures for Town functions.

(F) To keep the Selectboard informed as to the future needs of the Town and make proper administrative provisions for long-term planning, in all areas within the scope of the duties of the Manager.

(G) To make such reports as the Selectboard may require, or the Manager deems appropriate, or may be required by law regarding any and all functions under the Town Manager's supervision.

(H) To keep full and complete records of the actions of the Town Manager's office.

(I) To be present at all regular Selectboard meetings unless excused by the Board and to have the right to attend and participate in all special meetings of the Selectboard and subcommittees, except when the removal of the Town Manager is being discussed.

(J) To appoint upon merit alone and, when the Town Manager deems necessary for the good of the Town, suspend or remove any subordinate official, employee, or agent under the Town Manager's supervision as provided for in this charter. Notwithstanding appeals of Town Manager decisions to the Selectboard, the Town Manager shall have the exclusive authority to hold subordinate employees, officers, or agents responsible for the faithful discharge of their duties. All such appointments may be without definite terms unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by the employee handbook. The Town Manager may authorize the head of a department, or of an office responsible to the Town Manager, to appoint and remove subordinates in the office or department.

(K) To ensure the proper and equitable administration of the Town's human resources function.

(L) To make recommendations to the Selectboard as to the compensation for Town employees as provided in this charter.

(M) To remain ultimately responsible to the Selectboard for all administrative actions under the Town Manager's jurisdiction.

(N) To draft an annual budget document and capital expenditure plan as provided in the financial section of this charter.

(O) To examine, or cause to be examined, with or without notice, the affairs of any department under the Town Manager's control, or the conduct of any officer or employee of a department under the Town Manager's control. For this purpose, the Town Manager shall have access to all books, papers, files, reports, or records of all departments that may be necessary for the proper performance of the Town Manager's duties.

(P) To ensure the preservation of the public peace, health, and safety of persons and property; to see to the enforcement of this charter and ordinances; and to ensure the Town's compliance with State and federal laws as applicable.

(Q) To be the general purchasing agent for the Town.

(R) To have charge and supervision of all Town buildings, properties, and facilities; all repairs thereon; and all construction by the Town.

(S) To expend all special appropriations of the Town as if they were a separate Town department.

(T) To cause to be collected all taxes due the Town, except as otherwise provided by statute.

(U) To cause duties of municipalities not committed to the care of any particular officer to be duly performed and executed.

(V) To perform such other duties consistent with the Town Manager's office as may be required by a vote of the Selectboard, by law, ordinance, or mandate not inconsistent with this charter.

(4) Accountability and appointive power. The Town Manager shall be responsible to the Selectboard for the proper and efficient administration of the departments under the Town Manager's charge as outlined in this charter. Neither the Selectboard, any individual member of the Selectboard, nor any of its committees or committee members shall dictate the appointment or discharge of any Town employee by the Town Manager, or in any manner interfere with the Town Manager's exercising of judgment in the appointment and discharge of employees in the administration.

(5) Noninterference with administrative discretion and supervision. Except for the purposes of formal inquiries investigations, suspensions, and terminations made under this charter, the Selectboard and its members shall deal with the Town officers and employees, who are subject to the Town Manager's direction and supervision, solely through the Town Manager. Neither the Selectboard nor any of its members shall give orders to, or request any action publicly or privately, of any Town employee. Communications for the purposes of information and background shall be considered proper when approved by the Town Manager. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 32. Administrative departments

(a) [Repealed.]

(b) Department heads. Each Town department shall have a designated department head appointed by the Town Manager who shall supervise and control the department and employees of the department. The Town Manager may, at any time, assume the duties of a department head.

(c) Departmental rules and regulations. Whenever judged necessary by the Town Manager, department heads shall draft rules and regulations to be approved by the Town Manager, which shall govern and regulate the affairs of a department consistent with this charter and general law.

(d) Creation, reorganization, consolidation, or abolition of administrative departments. Departments within the Town administration can only be created, reorganized, consolidated, or abolished by formal action of the Selectboard. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 33. Administrative code

(a) The administrative code shall include the following:

(1) a copy of the Town charter;

(2) a properly indexed and codified volume of all Town ordinances;

(3) a copy of the Town's employee handbook, classification, and pay plan;

(4) a copy of the Town's financial and purchasing and procurement policies;

(5) any and all collective bargaining agreements and departmental rules and regulations;

(6) enabling Town legislation, ordinances, and resolutions for all Town public bodies, accompanying an updated list of all elected and appointed officers.

(b) Distribution and availability.

(1) The administrative code and its components shall be considered official documents to which a person may refer for up-to-date information on the Town.

(2) A current administrative code shall be made available in the Town Clerk's office for public access at no charge.

(c) [Repealed.] (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 34. Administrative and policy functions prescribed by charter

(a) Department of Assessment.

(1) There shall be the Department of Assessment as prescribed by charter and State statute, with any staff as may be recommended by the Town Manager and approved by the Selectboard.

(2) The head of the Department of Assessment shall be appointed or removed by the Town Manager with the advice and consent of the Selectboard.

(3) The Town Manager shall not participate in the process of property valuation and assessment.

(4) The Department of Assessment shall have the same powers, discharge the same duties, proceed in the discharge of those duties, and in the same manner be subject to the same liabilities as are prescribed for listers under the laws of the State of Vermont, except as provided in this section. Tax grievances shall be appealed to the Department of Assessment. Appeals from the Department of Assessment will be to the Board of Civil Authority.

(5) All employees in the Department of Assessment shall be governed by applicable rules and regulations promulgated under this charter.

(b) Town Clerk, Town Treasurer, Town Attorney.

(1) The Selectboard shall appoint and remove, on the basis of qualifications and performance alone, a Town Clerk, Grand Juror, Town Treasurer, and Town Attorney.

(2) The duties of the Town Clerk and Town Treasurer shall be as prescribed by statute, except as provided herein.

(3) The Town Attorney shall, except as otherwise provided herein, represent the Town in all legal matters.

(4) [Repealed.]

(5) [Repealed.]

(6) Removal of the Town Clerk, Town Treasurer, and Town Attorney shall be by a process identical to removal of the Town Manager as outlined in subsection 31(h) of this charter.

(7) Compensation for the Town Clerk, Town Treasurer, and Town Attorney shall be recommended by the Manager and approved by the Selectboard. Any and all fees collected by the Town Treasurer and Town Clerk, pursuant to statutory duties, shall accrue as General Fund revenues to the Town.

(8) Support personnel, supplies, material, and equipment for the Town Clerk and Town Treasurer may be provided by the Selectboard upon recommendation by the Town Manager.

(9) The Selectboard or the Town Manager may seek legal services outside the offices of the Town Attorney whenever judged in the best interests of the Town.

(10) All staff provided to the Town Clerk and Town Treasurer shall be part of the Town administration and be subject to all rules and regulations adopted under this charter.

(11) The Town Clerk may designate an Assistant Town Clerk or clerks.

(12) In the absence or disability of the Town Clerk, Town Treasurer, or Town Attorney, the Selectboard shall ensure that the functions are continued and shall have the power to appoint temporary substitutes.

(c) Human Resources Department.

(1) Merit principle outlined. All employment actions relating to Town officers and employees shall be made on the basis of merit, except for employees subject to collective bargaining agreements.

(2) Human Resources Manager.

(A) There shall be a Human Resources Manager who shall be responsible for the ongoing administration of the Town's human resources system. The Human Resources Manager shall be the Town Manager's designated agent but must be a member of the Town administration.

(B) The authority of the Human Resources Manager in relation to all Town department heads shall be prescribed by the Town Manager.

(3) [Repealed.]

(4) Employee handbook.

(A) The Human Resources Manager shall issue and maintain an employee handbook governing the ongoing administration of the Town human resources system.

(B) A copy of the employee handbook shall be provided to each Town employee.

(5) Town charter and collective bargaining agreements.

(A) The Selectboard shall have the sole authority to enter into collective bargaining agreements and may commit the Town to collective bargaining agreements that shall control over conflicting rules and regulations adopted pursuant to this charter.

(B) [Repealed.]

(6) Service of Town employees in elective or appointive office.

(A) A Town employee may not hold a local, State, or federal elective office, other than membership in the General Assembly, that makes policy that shall directly or indirectly affect the employee's department or any Town functions while employed by the Town.

(B) A Town employee may be appointed to a board or commission, provided that the appointment does not make policy that directly affects the employee's conditions of employment or compensation.

(C) A Town employee may not be disciplined for refusing to campaign for or against any candidate for any elective office, contribute financially to a campaign, or take or advocate a position on referendum questions.

(D) Nothing herein shall limit the right of an employee to express the employee's opinion on a matter of public concern, belong to a political party, or exercise the employee's right to vote.

(E) Nothing shall limit the right of employees to participate in the elective process for State and federal offices, except as otherwise stated in this section.

(7) Surety bonds. Any Town officer and employee, as required by the Selectboard, shall annually give surety bonds or shall purchase comparable coverage to the satisfaction of the Selectboard for the faithful discharge of the officer or employee's duties. In the event any officer or employee neglects to give a bond, is unable to obtain a bond, or obtain comparable coverage as specified in this section, after 10 calendar days' notice from the Selectboard that the officer or employee is required to do so, the officer or employee's office or position shall become vacant and the vacancy shall be filled as provided in this charter. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the Town. Such bonds shall be filed with the Town Clerk. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

Subchapter 4: Budgets And Finance

§ 41. Fiscal year of the Town government

The fiscal year of the Town government shall be fixed by the Selectboard. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 42. Town Manager's proposed budget timetable and preparation

(a) Submission of timetable. At least five months before the scheduled date of Town meeting, the Town Manager shall prepare and present to the Selectboard and Budget Advisory Committee a proposed timetable that shall project the progress of events leading to the adoption of the Town budget.

(b) Statement by the Selectboard regarding budget policy. Upon receipt of the Town Manager's timetable, the Selectboard shall issue an annual budget policy statement, outlining the direction the Town Manager shall take in the drafting or assembly of the budget document.

(c) Departmental submissions. In following the timetable submitted to the Selectboard, all department heads, and elected or appointed officials with budget responsibility, shall submit budget requests to the Town Manager in the format established by the Town Manager.

(d) Drafting of annual budget.

(1) Unified administrative request. The Town Manager shall, after consultation with department heads, submit to the Selectboard a single budget request from the administration for all departments.

(2) Budget message. The Town Manager's proposed budget shall be introduced by a budget message that shall explain the budget in both fiscal terms and in terms of work programs. It shall outline the budget of the Town for the coming year, describe important features of the budget, indicate any major changes from the current year in terms of revenues and expenditures, indicating the reasons for any changes. The message shall summarize the Town's debt position, include a profile of the capital expenditure program for the year, and also include any other material that the Town Manager deems appropriate.

(3) Budget; contents and format.

(A) The budget shall provide a complete financial plan for all Town funded activities for the ensuing fiscal year, and except as required by law, or charter, shall be in a form the Town Manager deems appropriate or the Selectboard may prescribe.

(B) The Town Manager shall organize the budget by utilizing the most feasible combination of expenditure classifications by fund, organizational units, work programs, purposes, actions, and objects.

(C) The budget shall begin with a clear, general summary of its contents and shall show all expected revenue and all proposed expenditures.

(D) The budget should be arranged so as to show comparative figures for actual and budgeted revenues and expenditures for the preceding year, and for the year covered by the budget.

(E) The budget shall include:

(i) proposed expenditures for operations during the ensuing fiscal year, detailed by offices, departments, and agencies, detailed in terms of respective work programs, and the method of financing such expenditures;

(ii) amount required to meet the interest on maturing bonds, notes, or other outstanding indebtedness;

(iii) proposed capital expenditures during the ensuing fiscal year detailed, wherever practical, by office, department, or agency, along with the method of financing;

(iv) proposed estimated revenues to be raised from each source to be collected, levied, or raised by taxation to defray the expenses of the Town.

(e) Subsidiary budgets for utilities.

(1) For each utility or enterprise owned and operated by the Town, a subsidiary budget shall be drafted in accordance with these guidelines, with the process of review and approval to be dictated by the Selectboard.

(2) Cross subsidy in areas other than fund management between Town government operations and utility operations shall be limited to services and support provided as approved by the Selectboard. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 43. Capital expenditure program

(a) Preparation and submission. The Town Manager, after consultation with department heads, shall submit a proposed five-year capital expenditure program to the Selectboard, with a copy provided to the Budget Advisory Committee, at least three months prior to Town meeting.

(b) Contents.

(1) The capital expenditure program shall include:

(A) a narrative summary of requests;

(B) a list of all capital expenditures to be proposed for the next five years with appropriate supporting data;

(C) cost estimates, proposed methods of financing, and necessary time schedules for each improvement or asset.

(c) Revision and update. The above program shall be revised and extended each year to reflect progress or projects still pending or assets to be acquired.

(d) Inclusion in budget. Inclusion in budget. A summary of the capital expenditure program shall be included in the budget with special emphasis on the expenditures for the particular year. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 44. Reserve funds

(a) The Selectboard may raise and appropriate money for the establishment of capital reserve or equipment reserve funds for the financing of all or part of:

(1) the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item of equipment;

(2) the construction, reconstruction, or acquisition of a type of capital improvement or acquisition of a type of equipment;

(3) other purposes to meet specific obligations and needs of the Town so as to ensure efficient operations.

(b) The size and regulation of reserve funds shall be determined by the Selectboard. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 45. Board review and final action

Board review.

(1) The Selectboard shall schedule one or more meetings, as it deems appropriate, for the review and discussion of the proposed budget and comments from the Budget Advisory Committee.

(2) Upon completion of its review, the Selectboard shall act to finalize its budget proposal.

(3) The Selectboard shall then schedule a public hearing prior to Town meeting, warned as such.

(4) Following the public hearing, the Selectboard shall act to officially finalize the budget to be finalized or proposed at Town meeting.

(5) The Selectboard, in finalizing the budget, shall place it on the warning as a gross appropriation. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 46. Special appropriations

In response to a request, or upon its own initiative, should the Selectboard so judge, the appropriation relative to a special element of Town business may be placed on the warning as a special appropriation by a majority vote of the Board Selectboard. In taking action, the Selectboard shall maintain the right to reject, alter, or reduce a request. This section does not apply to articles placed on the warning by petition, as described in subdivision 22(b)(3)(C)(i)(II) of this charter. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 47. Budget Advisory Committee; budget process

The Selectboard shall appoint a Budget Advisory Committee that shall be composed of not less than five and not more than nine registered voters of the Town at least six months before the scheduled date of the annual Town meeting. The Budget Advisory Committee shall be governed by operating procedures established by the Selectboard. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 48. Appropriation; budget

(a) Gross appropriation fixed and levy.

(1) No appropriation may be voted unless such action was duly warned.

(2) As of the effective date of the budget, all amounts stated therein are appropriated (for the specified agency's or department's purpose). Adoption of the budget shall constitute appropriations of the amounts specified therein from the funds indicated. This shall constitute an authorization to raise all monies required.

(3) Nothing herein shall limit the authorizing of payments or making of capital expenditures to be financed, whether in whole or in part, by the issuance of bonds except as provided in section 52 of this charter.

(4) The Town Manager or the Town Manager's designee may, upon approval of the Selectboard, make a contract or lease for payments beyond the end of the fiscal year.

(5) Every appropriation, except an appropriation for a capital expenditure and multiyear contracts for which Town monies have been obligated, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned.

(b) Overruns on gross appropriations; emergency appropriations.

(1) The gross appropriation may not be exceeded, except by consent of the Selectboard, as limited in this charter.

(2) In the event of an emergency situation officially declared by the Selectboard, an amount not exceeding five percent of the gross appropriation may be expended.

(3) Any amount in excess of five percent of the gross appropriation shall be warned and voted by special or regular Town meeting.

(c) Under expenditures; excess revenues.

(1) Under expenditures. If during the fiscal year, the Board, upon recommendation and certification of the Town Manager, determines that there are funds available due to under expenditure of the funds or revenue returns exceeding projections proposed in the budget, the Board may make supplemental appropriations for the fiscal year up to the amount of such excess, not to exceed five percent of the gross appropriation.

(2) Excess revenues unexpected. If unexpected revenues or underexpenditures equal over five percent of the gross appropriation respectively, such overage shall be carried over as surplus.

(d) Surplus. Any surplus created, subject to the provisions of subsection (d) of this section, may be carried over to the next fiscal year's budget and counted as a fixed receipt on the calculation of the ensuing tax rate or, by action of the Selectboard, may be placed in a capital reserve fund as provided for in this charter.

(e) Transfers—alterations in the work program.

(1) The Town Manager may transfer, at any time, with a public report to the Selectboard, an unencumbered appropriation balance, or portion, between general classifications of expenditures within an office, department, or agency.

(2) The Selectboard may transfer, by formal vote, any unencumbered portion or balance of an appropriation from one department or agency to another.

(3) In no case shall a transfer violate the gross appropriation as limited by subsection (a) of this section.

(f) Ongoing appropriation; in the event of a budget revote.

(1) In the event that the budget is not adopted before the beginning of the fiscal year, the amount appropriated for the prior year shall be deemed adopted.

(2) In the event that the budget is not adopted before the beginning of the fiscal year, expenditures during the budget revote shall be limited on a monthly basis to an allotment based on the prior year's appropriation until such time as the budget is adopted. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 49. Financial administration and Town budget

(a) Finance Director.

(1) The Town Manager may appoint, upon merit alone, a person who shall serve as the Finance Director.

(2) The Finance Director shall be a member of the Town administration and be subject to all rules and regulations of the Town administration, and may be the Town Treasurer or a Selectboard member.

(3) The Finance Director shall perform such duties as the job description submitted by the Town Manager and approved by the Selectboard shall indicate.

(b) Depository of Town funds; cash and fund management.

(1) The Selectboard shall designate the depository of Town funds and shall ensure the appropriate cash management by the Town Treasurer and administration.

(2) The Selectboard may provide for such security to Town deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

(3) The officer responsible for each fund shall issue a report of investments and yields to the Town Manager and the Selectboard at least annually and when requested by either the Town Manager or the Selectboard.

(c) Independent audit.

(1) The Selectboard shall provide for an independent audit of all Town accounts and may require for any special audit it deems necessary.

(2) The audits shall be made by certified public accountant or firm of such accountants who have no personal interest, direct or indirect, with Town government, its fiscal affairs, or its officers.

(3) The Town Manager shall appoint such accountant or firm annually at a time proper to the scheduling of the audit itself.

(4) Should the State of Vermont make such an audit at the request of the Selectboard, it shall meet the requirements of this section.

(5) At the conclusion of the audit, the auditors shall present their report and findings to the Selectboard in open session.

(d) Authorization for expenditure of Town funds.

(1) Money shall not be paid out of the Town Treasury unless it is authorized by a payroll or payment authorization signed by at least three members of the Selectboard, or in accordance with the provisions of 24 V.S.A. § 1623.

(2) No payment of money on account of any department of which the Town Manager has supervision shall be made except upon vouchers approved by the Town Manager or the Town Manager's designated agent.

(3) In the event of the absence, termination, or suspension of the Town Manager, the Selectboard may approve the vouchers or authorize their approval by a Town employee or other Town officer.

(4) The Town Manager may provide for periodic or quarterly allotments of the appropriations to departments, funds, or agencies under such rules as the Town Manager may prescribe and as may be agreeable to the Selectboard.

(e) Financial reports, and records.

(1) Regular reporting. The Town Manager shall submit, on a schedule prescribed by the Selectboard, but not less often than quarterly, a budget report indicating the relationship between actual and estimated revenues and expenditures to date.

(2) All accounting records, in relation to the receipt, holding, or disbursement of money of the Town kept by any official of the Town, shall be paid for by the Town, shall remain the property of the Town, and shall be turned over to the Town Clerk whenever the keeper of the accounting records retires from office. All records pertaining to Town affairs kept by the Town Manager, Town Clerk, or other elective or appointive officer of the Town shall be kept in the Town buildings in their proper places and shall not be removed therefrom without an order of a court or a vote of the Selectboard.

(f) Purchasing and procurement.

(1) All purchasing and procurement for the Town shall be the responsibility of the Town Manager, who may delegate purchasing authority within the limits allowed by charter.

(2) All purchasing and procurement shall be by competitive bid or quote wherever practical or as required.

(3) The Town Manager shall maintain purchasing and procurement policies approved by the Selectboard as part of the Town code. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 50. Trust funds

(a) Trust funds of the Town shall be accounted for separately and kept apart from other Town funds.

(b) Trust funds shall be the responsibility of the trustees of public funds in accordance with this charter and State law, unless the trust document specifies otherwise. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 51. Taxation and collection

(a) [Repealed.]

(b) Responsibility for taxation and collection.

(1) The Town Treasurer shall be responsible for tax collection.

(2) [Repealed.]

(3) The Collector of Taxes or Delinquent Taxes may charge and collect such fees and interest as may be fixed by the Selectboard and shall deposit them into the General Fund. Fees and interest established shall not exceed those provided by statute.

(c) Manner of collection.

(1) The timetable of tax collection in terms of due dates and installments shall be fixed by the Town Treasurer, subject to the approval of the Selectboard.

(2) [Repealed.]

(d) [Repealed.]

(e) Tax stabilization.

(1) The authority to negotiate and grant tax stabilization agreements shall be granted and revoked by the voters.

(2) The Selectboard shall negotiate all stabilization agreements when so authorized by the voters.

(3) Under this section, the Selectboard shall maintain uniform guidelines outlining the scope and nature of tax stabilization agreements.

(4) The Selectboard shall retain final authority on stabilization agreements.

(f) Special assessments.

(1) The Selectboard shall have the authority to negotiate or impose by ordinance reasonable special assessments or special use charges.

(2) The procedures for each special assessment must be outlined and authorized by an ordinance explaining the reason for the assessment, the amounts and basis for the amounts, the collection of the assessments, and all other matters related to the assessment.

(g) [Repealed.] (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)

§ 52. Debt and bonded debt for Town improvements

(a) Authorization for any long-term debt shall be granted by the voters at an annual or special Town meeting duly authorized for that purpose. As used in this section, "long-term" means a period of indebtedness greater than five years.

(b) An article requesting authorization to incur long-term debt can only be placed on the warning by a vote of four Selectboard members.

(c) [Repealed.]

(d) Articles requesting authorization for long-term debt shall be warned in accordance with State statute.

(e) The Town Treasurer shall be authorized, subject to the approval of the Selectboard, to incur short-term debt in anticipation of taxes for funding. (Amended 2021, No. M-13 (Adj. Sess.), § 2, eff. May 16, 2022.)